

Freedom of Information Act Request

Name
Address
City, State Zip
Phone #

Internal Revenue Service
Office Complex
Address
City, State, Zip
Att: Disclosure Officer

Certified Mail Return Receipt Requested

Z 111 111 111

Re: Name

SS# XXX-XXX-XXX (For Document location purposes only)

Request for years (List years requested)

Date

Dear Disclosure Officer,

Please receive my request under FOIA 5 U.S.C. 552, 31 CFR 1 et seq., and 26 CFR 601.702 et seq. I am requesting copies of records created or possessed by the Internal Revenue Service, subject to your responsibility.

This is my firm promise to pay charges up to \$50.00, and I hereby waive my right to inspect such records prior to copying. I certify that I am in the "other requestor" category as defined in 26 CFR 601.702 (f) (3) (E).

If portions of this request are exempt from release, please furnish me with those portions reasonably segregable and please furnish me with an index identifying each record, describing in detail each segregation or redaction, and define the statutory basis for such action. Re: Vaughn v. Rosen. 484 F. 2d 820 (Ca DC, 1973), cert. Denied 415 U.S. 977 (1974).

If your office does not maintain the records requested, please forward a copy of this letter to the proper office and notify me of the person to contact at that office.

As provided by 5 U.S.C. 552, I will expect a reply within twenty (20) working days after your receipt of this request.

Documents Requested

Please provide a copy of the actual, duly signed and certified, under seal of your agency, Lawful Assessment which complies with Treasury Regulation, 31 CFR 301.6203-1, for the years above. If there is no Assessment Certificate, please state there is no assessment on file. As this request is placed under an Act of Congress, The Freedom of Information Act, it supersedes any agency policy preventing the disclosure of the signed lawful assessment.

I understand the penalties provided in 5 U.S.C. 552a(1)(3) for requesting or obtaining records under false pretense. Thank you for your timely response.

Sincerely,

Name

STATE OF
COUNTY OF

The foregoing instrument was signed and acknowledged before me this _____, 2000 by
_____ who has shown proof of his identity.

Notary Public

District Court United States
IN THE ~~UNITED STATES DISTRICT COURT~~
FOR THE DISTRICT OF YOUR STATE

Your Name,)	
Plaintiff,)	
)	Civil Action No.
v.)	
)	Freedom of Information Act
INTERNAL REVENUE SERVICE,)	Complaint
Defendant.)	
)	

COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF

1. This is a civil action under the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, to order production of documents for inspection and copying.

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. 552 (a) (4) (B), 28 U.S.C. 1331 and 28 U.S.C. 1361.

3. Plaintiff lives in Town, County, State located in this district.

4. Defendant Internal Revenue Service is an agency of the Executive Branch of the United States government and is in possession of the requested documents.

5. By letter dated ^{Your Date} June 8, 1999, and received June 9, 1999, as verified by United ^{Date} States Postal Service Return Receipt, attached as Exhibit A, addressed to the Disclosure Officer at the Internal Revenue Service office in town, State, a copy of which is attached as Exhibit B. Plaintiff requested certain documents in the possession of the defendant agency. Date of your FOIA Request

6. The Plaintiff has not to date received an answer to this FOIA request.

7. Plaintiff has exhausted his administrative remedy, pursuant to 5 U.S.C. 552 (a) (6)

(C) (I) since no answer whatsoever has been received from the Internal Revenue Service.

8. Defendant Internal Revenue Service has possession of the requested documents of Plaintiff's lawful FOIA request.
9. Defendant Internal Revenue Service has acted in a wrongful, willful, and intentional manner in it's failure to even respond to this request, or to release these documents as required by 5 U.S.C. 552, as amended.
10. Plaintiff has a statutory right to the documents that he seeks, and there is no legal basis for the defendant's refusal to disclose.

WHEREFORE, Plaintiff your name, prays that this Honorable Court:

- (1) Declare that defendant's refusal to produce the documents requested by the plaintiff to be unlawful;
- (2) Order defendant to produce the documents requested;
- (3) Grant such other and further relief as this Honorable Court deems necessary.

Respectfully submitted,

Pursuant to 28 U.S.C. 1746, I, your name, do certify, under penalty of perjury, the foregoing statements are true and correct.

Date

Your Name
Address
City, State Zip
(XXX) XXX-XXXX Tel. Number

purposes of withholding any portions exempt from disclosure under this section. Review costs may not include any costs incurred in resolving issues of law or policy that may be raised in the course of processing a request under this section. No fee may be charged by any agency under this section -

(i) If the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee; or

(ii) for any request described in clause (ii) (ii) or (iii) of this subparagraph for the first two hours of search time or for the first one hundred pages of duplication.

(v) No agency may require advance payment of any fee unless the requester has previously failed to pay fees in a timely fashion, or the agency has determined that the fee will exceed \$250.

(vi) Nothing in this subparagraph shall supersede fees chargeable under a statute specifically providing for setting the level of fees for particular types of records.

(vii) In any action by a requester regarding the waiver of fees under this section, the court shall determine the matter de novo: Provided, That the court's review of the matter shall be limited to the record before the agency.

(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action.

(C) Notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.

((D) Repealed. Pub. L. 98-620, title IV, Sec. 402(2), Nov. 8, 1984, 98 Stat. 3357.)

(E) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.

(F) Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends.

5 USC 552(a)(4)(C)

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"United States of America" are a plural noun that refers to the 50 States.

These two different names are also defined in **the Articles of Confederation** (1777). The Articles of Confederation were the first constitution of the United States; they specified how the Federal government was to operate, including adoption of an official name for the Union of several States first established by those Articles, namely the *United States of America*.

In those Articles of Confederation, we find:

Article 1. The **United States of America** are the Confederacy or "Union" established by the Sovereign States that existed at that time.

Article 2. The **United States** was expressly delegated powers and authorities by the United States of America, while the sovereignty, freedom, and independence of those States was expressly maintained.

Despite widespread mythology that continues to circulate the Internet, there are no Acts of Congress expressly incorporating either the "United States" or the "United States of America".

In 1871 Congress did expressly incorporate the District of Columbia, but D.C. and the "United States" are not one and the same. More importantly, Congress expressly extended the entire U.S. Constitution into D.C. in that Act of 1871! And, 2 years later in 1873, Congress extended the entire U.S. Constitution into all Federal Territories, even future Federal Territories!

How were our fundamental Rights abrogated?

First of all, The U.S. Department of Justice has powers of authority to represent the **United States** (not the United States of America) in civil and criminal cases. They do not have any powers of attorney legally to represent the United States of America as a group, nor to represent any of the individual States. See 28 U.S.C. 547. Each of those States has its own Attorney General with power of attorney to represent each State.

In **Article III of the Constitution for the United States of America** we find the structure of our court-system and the procedures for creating new courts.

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

Title 28 does NOT identify the constitutional origins of the **United States District Court** ("USDC"), which is an inferior court as identified in Article III.

With section 132 of title 28 Congress has effectively broadcasted (not established and ordained) a territorial tribunal into the several States, now known as the **United States District Court** ("USDC"). In doing so, Congress attempted to imply that they abolished the Article III

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Supreme Law Library : Court Cases

State of Alabama v. William Michael Kemp

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